

1      Gregory L. Lippetz (State Bar No. 154228)  
2      glippetz@jonesday.com  
3      JONES DAY  
4      1755 Embarcadero Road  
5      Palo Alto, CA 94303  
6      Telephone: 650-739-3939  
7      Facsimile: 650-739-3900

David N. Kuhn - State Bar No. 73389  
Attorney-at-Law  
144 Hagar Avenue  
Piedmont, CA 94611  
Telephone: (510)653-4983  
E-mail: [dnkuhn@pacbell.net](mailto:dnkuhn@pacbell.net)

Attorney for Plaintiff Gregory Bender

5 Attorneys for Defendant  
6 INTERNATIONAL BUSINESS  
MACHINES CORP.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN JOSE DIVISION

13 || Gregory Bender

Plaintiff,

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16 | International Business Machines Corporation.

Defendant.

Case No. C 09-01249 RMW (PVT)

**STIPULATION AND ORDER  
EXTENDING DEADLINE FOR IBM  
TO FILE ITS DISCOVERY MOTION  
RELATED TO BENDER'S AMENDED  
INFRINGEMENT CONTENTIONS**

19 Plaintiff Gregory Bender (“Plaintiff”) and Defendant International Business Machines  
20 Corporation (“Defendant”), through their respective counsel, hereby make the following  
21 stipulation with regards to Defendant’s discovery motion related to Plaintiff’s amended  
22 infringement contentions.

23        Due to counsels' limited availability to meet and confer as required by the Court, the  
24        parties have agreed, and hereby request that the deadline for Defendant to file its discovery  
25        motion pursuant to the Court's Order of December 28, 2009 (D.I. 39) be extended until  
26        Wednesday, January 27, 2010. The parties further stipulate that the Court's order granting  
27        Defendant temporary relief from its discovery obligations shall remain in place until the dispute is  
28        resolved.

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2 Respectfully submitted,  
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5 Dated: January 12, 2010 Jones Day  
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10 By: /s/ Gregory Lippetz  
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Greg L. Lippetz  
State Bar No. 154228  
JONES DAY  
Silicon Valley Office  
1755 Embarcadero Road  
Palo Alto, CA 94303  
Telephone: 650-739-3939  
Facsimile: 650-739-3900

Counsel for Defendant International Business  
Machines Corporation

In accordance with General Order No. 45, Section X(B), the above signatory attests that  
concurrence in the filing of this document has been obtained from the signatory below.

Dated: January 12, 2010

By: /s/ David Kuhn

David N. Kuhn  
Attorney-at-Law  
144 Hagar Avenue  
Piedmont, California 94611  
Telephone: (510) 653-4983

Counsel for Plaintiff Gregory Bender

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

DATED: 1/14, 2010

By:   
PATRICIA V. TRUMBULL  
United States Magistrate Judge